

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

ROGER W.,

Plaintiff,

v.

CIVIL ACTION NO. 3:24-00129

CAROLYN W. COLVIN,

Acting Commissioner of the Social Security Administration,<sup>1</sup>

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Plaintiff's request for judgment on the pleadings (ECF No. 9); grant Defendant's request to affirm the decision of the Commissioner (ECF No. 11); and dismiss this action from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Plaintiff's request for judgment on the pleadings (ECF No. 9); **GRANTS** Defendant's request to affirm the decision of the Commissioner (ECF No. 11); and


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<sup>1</sup> Acting Commissioner Colvin was sworn in on November 30, 2024, replacing Commissioner Martin J. O'Malley. Per Fed. R. Civ. P. 25(d), Colvin was automatically substituted as Defendant in this action..

**DISMISSES** this action from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: January 15, 2025

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE